

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00016-MR-WCM**

RACHEL CARPENTER, as Administratrix)	
of the Estate of Pedro Cruz-Amado,)	
)	
Plaintiff,)	
)	
vs.)	
)	
WILSON SCOTT TRAMMEL, et al.,)	
)	
Defendants.)	
_____)	

JUDGMENT

THIS MATTER came on for trial and was heard by the undersigned judge, and a jury was duly empaneled and answered the issue presented as follows:

1. Were the Defendant's [Wilson Scott Trammel] actions objectively reasonable?

Answer: YES

Based on the foregoing facts as found by the jury, the Court concludes as a matter of law that the Defendant Wilson Scott Trammel is entitled to qualified immunity with regard to the Plaintiff's claims pursuant to 42 U.S.C. § 1983 and the Fourth Amendment to the United States Constitution.

Likewise, the Court concludes as a matter of law that the jury's findings preclude liability on the Plaintiff's state law claims against this Defendant. An element of each of the Plaintiffs' claims pursuant to state law is that the Defendant, as a public official, acted willfully, wantonly, maliciously or outside the scope of his official duties. A finding of objectively reasonable conduct on the part of the Defendant precludes any possible finding in favor of the Plaintiff regarding this element. Accordingly, the Court concludes that this finding entitles the Defendant Wilson Scott Trammel to public official immunity pursuant to state law.

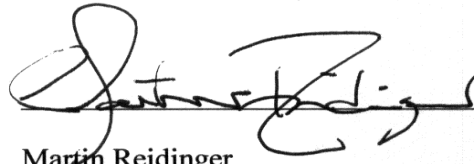
The Court previously entered an Order granting summary judgment in favor of the Defendants Wilson Scott Trammel in his official capacity; James Alan Norman, in his individual capacity and in his official capacity as Sheriff of Cleveland County; and the County of Cleveland on the Plaintiffs' claims under § 1983 and state law. Such claims are therefore dismissed.

Finally, because the Court has dismissed all the Plaintiff's tort claims, the Plaintiff's claims against Liberty Mutual Insurance Company, as surety on the Cleveland County Sheriff's statutory bond, is also dismissed.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff shall recover nothing from the Defendants in the form of damages.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this action is **DISMISSED WITH PREJUDICE** in its entirety, and the Defendants shall recover their costs of the action from the Plaintiff.

Signed: June 4, 2019


Martin Reidinger
United States District Judge

